IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 26TH OCTOBER 2007 / 4TH KARTHIKA 1929

Crl.Rev.Pet.No. 201 of 2002()

C.C. 291/1995 OF JUDICIAL IST CLASS MAGISTRATE, MALAPPURAM

REVN. PETITIONER: APPELLANT/ACCUSED.

ABDUL SALAM, S/O. MOOSA,
OTHUKKUNGAL, MALAPPURAM.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS: COMPLAINANT.
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1. THE SUB INSPECTOR OF POLICE,
KOTTAKKAL.

2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 26/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRRP. NO.201/2002

ORDER ON CRL.MP. NO.1389/2002 IN CRRP. NO.201/2002

DISMISSED

26.10.2007 **SD/- K.R.UDAYABHANU , JUDGE**

/TRUE COPY/

P.S. TO JUDGE

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K.R. UDAYABHANU, J.

CRL.R.P.NO. 201 OF 2002

DATED THIS THE 26TH OCTOBER 2007

ORDER

The revision petitioner, who is the first accused in C.C.No.291/1995 with respect to the offence under Section 380 read with Section 34 of the Indian Penal Code, stands convicted and sentenced to undergo simple imprisonment for six months.

2. The prosecution case is that the accused committed theft of a car stereo from the autorikshaw bearing No. KL-10/C 3188 belonging to PW1 parked in the shed in front of the house on 29-8-1995.

3. The evidence adduced in the matter consisted of the testimony of Pws.1 to 5 and Exts.P1 to P4(a) and MO.1. The first accused was arrested on 17-9-1995 by PW5, the Sub Inspector of Police and recovered MO.1 stolen stereo. As per Ext.P2 mahazar, PW3 is the person who has allegedly purchased the stereo for a sum of Rs.600/-. PW1 who filed the complaint has identified MO.1. PW2, the son of PW1 who was running the autorikshaw has also identified MO.1. PW3, the purchaser has also deposed as to the purchase etc. and that MO.1 was purchased from the accused. Pw4 is the attestor to the seizure mahazar. It was also found from Ext.P1 body mahazar of the autorikshaw that it had the provision for installation of the stereo.

It was in the light of the above evidence, the court below convicted the accused. I find no reason to interfere in the findings of the court below. The conviction is confirmed.

Counsel for the revision petitioner has pleaded for leniency pointing out that at the time the offence was committed the revision petitioner was only aged 18 and that more than 12 years have elapsed since the commencement of the proceedings. It is also submitted that he had undergone pre-trial detention. In the circumstances, the sentence is modified to simple imprisonment for three months for the offence under Section 380 I.PC. He will be entitled for set off for the pre-trial detention undergone. The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

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K.R.UDAYABHANU, J

CRL.R.P. NO. 201 of 2002

ORDER

26-10-2007